UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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September 8, 2009

Mr. George B. Hadley
Environmental Programs Coordinator
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, FL 32303

Subject: Interstate 395, Miami-Dade County, Draft Environmental Impact Statement (DEIS)
Federal Aid Project No. NH-6182 (10)
Financial Project Number: 251670-1-22-02
FHWA-FL-EIS-09-01-D
CEQ#: 20090245; ERP#: FHW-E40828-FL

Dear Mr. Hadley:

Thank you for your interagency coordination efforts on a proposed project. The U.S. Environmental Protection Agency (EPA) participated in a site visit on August 14, 2009, provided agency sole source aquifer scoping comments on February 7, 2008. Pursuant to Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act (NEPA), EPA Region 4 has evaluated the consequences of the Federal Highway Administration (FHWA) and Florida Department of Transportation (FDOT) proposal to upgrade and reconstruct Interstate 395 (I-395), in Miami-Dade County, Florida. The project involves major upgrades to the existing interstate that include new ramps. The interstate is linked with the East-West Expressway (SR 832), a toll road, and with the MacArthur Causeway across the Biscayne Bay.

The proposed project examines five alternatives, including a no build, two elevated bridges, a tunnel and an open cut. The two elevated designs: Alternative 2, Elevated with Ramps at Midtown Interchange; and, Alternative 3, Ramps at Miami Avenue. The two depressed designs were Alternative 4, Tunnel, Ramps at Miami Avenue; and Alternative 5, Open-Cut, Ramps at NE 1st and NE 2nd Avenues. The elevated Build Alternative 3 was identified as the preferred alternative. This design features paired bridges that span nearly one mile between the Midtown Interchange and Bayshore Drive, with a partial interchange near the bridge's mid-point. The interchange at N Miami Avenue includes two westbound on-ramps and two eastbound off-ramps. The proposed geometry of the two Biscayne Boulevard ramps (slip ramps), at the eastern terminus portion of the I-395 corridor, are similar to the existing ramp layout.

Enclosed are comments on the DEIS. EPA commends FDOT's public involvement efforts. However, given the magnitude of the historical adverse impacts to minority and/or low-income communities within the project area (e.g. Overtown), public outreach should be continued and additional efforts should be made to mitigate for localized project impacts. Based on our review of the DEIS, EPA assigned a rating of "EC-2" to the document. Our review has identified a number of environmental concerns (e.g., air quality and children's health) with the need for some additional information.

Thank you for the opportunity to comment on the DEIS. If you have questions on our comments or need further assistance, please do not hesitate to contact Maher Budeir at (404) 562-9514 or budeir.maher@epa.gov or Ntale Kajumba for environmental justice concerns at (404) 562-9620 or kajumba.ntale@epa.gov .

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure 1: Comments on the I-395 DEIS

cc: Aileen Boucle, A.I.C.P., FDOT, District 6

Enclosure 1: EPA Detailed Comments

Interstate 395, Miami-Dade County, Draft Environmental Impact Statement (DEIS)

Based on our review of the DEIS, EPA's primary environmental concerns are related to mobile source air toxics, noise, and relocation impacts to low income and minority populations. In addition, EPA has concerns regarding the potential for impacts to children's health due to the close proximity to several schools along the proposed alignment.

Environmental Justice and Community Impacts:

The Interstate 395 study area includes demographic information from portions of three Census Tracts: CT 34, CT 31 and CT 37.02 and 117 census blocks. The study area is approximately 0.5 mile wide and contains portions of two Miami neighborhoods: Overtown (west) and Edgewater (east). Residents occupy 48 of the 117 blocks examined in the DEIS. The project area predominately includes environmental justice populations (low-income and minority populations). According to the DEIS, demographic characteristics of the study area (Overtown/Edgewater) from Census 2000 are as follows:

- Population: 4,147 persons
- 95% minority population
  - 79.1% black or African-American
  - 15.9% at least two races
- Median household income: $13,340
  - Approx. half of the population lives below poverty
- Renter-occupancy rate: 97.0%
  - Minimal home ownership

The existing corridor is elevated through the Overtown and Edgewater neighborhoods, with four through lanes and ramps for interchanges at I-95, NE 1st Avenue, NE 2nd Avenue and US-1 Biscayne Boulevard. EPA commends FDOT's efforts to conduct a robust socioeconomic analysis that includes a historical examination of the Overtown neighborhood and the devastating impacts that various policies and development projects have had on this community. The traditional African-American community was established prior to the incorporation of the City of Miami in 1896, and between the 1930's and 1950 contained a population of about 30,000 people. This area contained about two-thirds of the entire African-American population in Miami-Dade. According to the DEIS, these numbers declined significantly after this period for several reasons including:

- Better housing opportunities
- building code enforcements
- loss of economic base

- construction of Interstate highway corridors
- public housing projects and urban renewal
- integration and school desegregation

The proposed project displaces two apartment complexes (a four-plex and a six-plex) with a total of ten (10) residential units, displacing ten individuals or families. Five businesses will also be displaced which employ a total of 48 persons and one church –the Overtown Church of Christ. According to the DEIS, there is a shortage of comparable rental units within the immediate area (page 4-4). EPA notes that if needed, last resort assistance will be provided for residential relocatees. On the other hand, commercial space is readily available for the businesses that will be displaced, and the congregation that attended the church has already vacated the property.

EPA is concerned about traffic noise impacts and potential abatement measures (see children's health section below reduction strategies) for the area neighborhoods, particularly local schools. According to the DEIS, the primary source of noise within the project area is vehicular traffic on I-395, I-95 and the local roadway network. FDOT conducted a noise study and targeted sensitive land uses within the project area such as single-family homes, small to medium sized apartment buildings and condominiums. There are also two parks in the area the Miami-Dade Theodore Gibson Park and Bicentennial Park, and three churches.

FDOT current bridge design may improve conditions for the community associated with the existing bridge structure. The current bridge structure is expansive and its vertical clearance within Overtown is very low resulting in large areas of dark unusable space. The new bridge structures are more elevated and superior aesthetically. The vertical clearances in the corridor segment within Overtown will range from 20 ft at NW 3rd Avenue to 25 ft at the Florida East Coast Railway (FEC) overpass. It is anticipated that street-level redevelopment in areas around the spans may improve the socio-economic conditions for local residents. Improving the physical appearance and safety underneath the I-395 structures was one of the key recommendations of the 1998 report "Final Report – The Historical Impacts of Transportation Projects on the Overtown Community", by Florida International University (FIU) for the Miami-Dade County Metropolitan Planning Organization (MPO).

Public Involvement:

EPA notes and commends FDOT and FHWA's efforts to ensure that an effective public involvement strategy was implemented on this project. Recently, projects proposed in this area have not been supported by area residents due to the level of community impacts and mistrust from the impacts of historical policies and projects. According to the DEIS, initially public officials and community representatives generally supported the alternative with the least right-of-way impacts, the no build or Alternative 3. However, following an effective outreach strategy that included public workshops, the formation and implementation of a public advisory group for I-395, the opening of the FDOT Community Outreach Office in an Overtown storefront, and establishment of a telephone hotline and project website, most public officials and community representatives appear to support the preferred alternative. EPA

participated in a site visit that included the Community Outreach center. Information regarding the project description, large aerial maps of the project area and proposed design, public comment logs, videos and brochures about the project, public meetings, and local jobs postings and a computer are available to both visitors and local residents. EPA recommends that these efforts should continue throughout the planning, design and construction of the project.

Mobile Source Air Toxics:

While EPA understands that the project is located near the Biscayne Bay and Atlantic Ocean which helps to reduce air quality issues and the area is currently in attainment of the National Ambient Air Quality Standards. The DEIS did not include an adequate evaluation of the impacts of air toxics (MSAT) emissions on nearby population centers and sensitive populations given the magnitude of the existing and proposed project and the proximity to local schools. EPA recommends that the Final EIS include a detailed inventory of air toxics emissions (including diesel emissions) from both stationary and mobile sources that serve the facility, including the locomotives, switchers, tractors, and support equipment, etc. It should also include a screening level evaluation of the potential impacts of these emissions on neighboring populations. The screening level evaluation could be conducted using the approach described in EPA's Air Toxics Risk Assessment Reference Library (ATRA Library). We refer FDOT to the ATRA Library, Volume 1 Section 3.3.3 for further details (http://epa.gov/ttn/fera/risk_atra_main.html). The evaluation should include a description of the recent literature concerning the impact of air toxics emissions on near-roadway receptors, including sensitive receptors such as children. The evaluation should also describe the methods that will be used to mitigate any unavoidable emissions and impacts.

Children's Health/Air Quality and Noise:

There are fourteen schools or training centers in the project area including two postsecondary units (Miami-Dade College Mitchell Wolfson New World Center Campus and New World School of the Arts), seven (7) Miami-Dade County Public Schools (MDCPS) and five (5) private schools. Most of the student schools are located in Overtown.

According to the DEIS, the construction activities may temporarily affect traffic circulation patterns and/or access in the service areas of the educational institutions, but maintenance of traffic phasing will be closely coordinated with these schools to minimize construction activities during drop-off and pick-up times. Noise and MSAT emissions from heavy truck and vehicular traffic are areas of environmental and public health concern, particularly in close proximity of school zones. The existing facility already adversely impacts these two areas and the proposed upgrades to the facility may exacerbate these issues.

In recognition of these concerns, EPA recommends that FDOT employ air monitors to monitor pollutant levels near school grounds during construction and post construction. Monitoring may help to identify any potential issues. Heavy diesel traffic near schools is likely to increase diesel emissions in the immediate area of the school, and thereby

increase the students' exposure to diesel particulate matter. In addition, noise from the vehicular traffic can impede learning if the noise penetrates into the classrooms. Section 3.1.4 of the DEIS states that the project will not directly impact any of the area schools. However, it is unclear what the localized MSAT impacts are for children and whether truck and vehicular traffic and noise associated with I-395 impact school classes. If so, how will these impacts be mitigated? EPA recommends that the final EIS consider the following strategies to minimize these impacts including:

- Providing or installing soundproof materials for the classrooms
- Working with schools to schedule outdoor activities at the school when vehicular traffic is lowest
- Examining where fresh air intakes for the school are located, and filtering air intake to the extent feasible to minimize intake of these particulates into the school's heating and air conditioning systems, as well as filtering within the HVAC system (should MSAT's pose an issue).

Indirect and Cumulative Effects:

The DEIS mentions existing transit systems. However, other future planned transit studies such as the South Florida East Cost Corridor can potentially impact the area of study in terms of traffic flow and level of service. These potential projects will impact the effectiveness of this proposed project. EPA recommends that the final EIS consider the indirect impacts of any future mass transit projects that may impact the project area.

Water Quality and Contaminated Sites:

Section 4.3.7 states that stormwater facility design will include the water quality requirements as required by Miami-Dade Department of Environmental Management. In Section 4.3.9, several sites of high risk and medium risk for subsurface contamination were identified with groundwater plumes of different contaminants. It needs to be demonstrated that the stormwater system can manage the flow of the runoff effectively without adversely impacting the contaminant transport in the subsurface and without further mobilizing contaminants to further degrade groundwater quality. This should be addressed in the final EIS.